

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shah-Nazaroff, *et al.*

Application No.: 09/580,305

Filed: May 26, 2000

For: Method and Apparatus for Ordering
Entertainment Programs from Different
Programming Transmission Sources

Examiner: Ma, Johnny

Art Unit: 2614

Confirmation No.: 9133

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

TO THE HONORABLE COMMISSIONER FOR PATENTS:

Appellants hereby submit this amended "Summary of the Claimed Subject Matter" in support of their Appeal from a final decision by the Examiner in the above-captioned case, and in response to the Notification of Non-Compliant Appeal Brief mailed June 28, 2007. As stated in MPEP § 1205.03(B), when a Brief is defective due solely to the summary of the claimed subject matter, "[a]n entire brief need not, and should not be filed."

The Brief was rejected due to its failure to recite a concise explanation of the subject matter defined in each of the independent claims involved in the appeal. More specifically, "the claimed invention [was] not mapped to the independent claims on appeal, which shall refer to the specification by page and line number and to the drawings, if any, as set forth in 37 § 41.37(c)(1)(v)."

Appellants believe that the alleged defects in the Brief have been corrected and that the Brief is now in condition for docketing before the Board.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Shah-Nazaroff, *et al.*

Application No.: 09/580,305

Filed: May 26, 2000

For: Method and Apparatus for Ordering
Entertainment Programs from Different
Programming Transmission Sources

Examiner: Ma, Johnny

Art Unit: 2614

Confirmation No.: 9133

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

CORRECTED "SUMMARY OF THE CLAIMED SUBJECT MATTER"
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

To the Honorable Commissioner for Patents:

Applicants (hereinafter "Appellants") hereby submit this amended section entitled "Summary of the Claimed Subject Matter" in support of their Appeal from a final decision by the Examiner in the above-captioned case. Appellants respectfully request consideration of this Appeal by the Board of Patent Appeals and Interferences for allowance of the claims in the above-captioned patent application.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 1 is directed towards a method comprising receiving a selection to buy an upgraded media feature for a programming transmission (p.7 ll.18-19; and p.9 ll.21-22); automatically coordinating purchase of the upgraded media feature for the programming transmission (p.7 l.19); and automatically coordinating provision of the upgraded media feature for the programming transmission (p.7 l.20). In particular, please refer to the disclosure on page 6 line 7 to page 7 line 16 for embodiments of the upgraded media features. Support for the above recitations may also be found in the "Summary of the Invention" (p.2 ll.3-6) and Figure 4.

Independent claim 8 is directed towards a method of sending a selection to buy an upgraded media feature for a programming transmission (p.13 l.8); and receiving the programming transmission with the upgraded media feature (p.13 ll.11-13). With reference to Figure 4, in step 410, an upgraded media feature is selected from user interface 210. The selection is sent to server system 140 over communications media 120 in step 420. Further, in step 460, the broadcast with the upgraded media feature is received at the client system 110.

Independent claims 14 and 18, are equivalent to independent claims 1 and 8, respectively, with the exception that they are written in computer program product form. Therefore, support can be found in the specification and the drawings as set forth above for claims 1 and 8. In addition, with reference to Figure 7, mass storage 720 is used to provide permanent storage for the data and programming instructions to implement the features of claims 14 and 18 (p.19 ll.3-4).

Independent claim 21 is directed towards an apparatus comprising a server system to receive a selection to buy an upgraded media feature for a programming transmission (p.7 ll.18-19), automatically coordinate purchase of the upgraded media feature for the programming transmission (p.7 ll.19-20), and automatically coordinate provision of the upgraded media feature for the programming transmission (p.7 ll.20-21). Support for the above recitations is also found in Figures 1 and 3. In Figure 1, the selection is sent to server system 140 over communications media 120, and server system 140 automatically coordinates the billing for the

upgraded features, and automatically coordinates providing the upgraded media feature from the broadcast sources 130. Figure 3 illustrates one embodiment of the server system 140 in more detail. The server system 140 includes a processing server 310 and a billing server 320, wherein the processing server 310 receives a selection from the client system 110 over communications media 120, places an order to the respective broadcast source or sources among broadcast sources 130 to have the upgraded media features provided to the viewer at client system 110, and provides the cost information to billing server 320. For a more detailed discussion of the billing server 320 and its various embodiments, please reference page 11 line 9 to page 13 line 2.

Independent claim 23 is directed towards an apparatus comprising a client system to send a selection to a server system to buy an upgraded media feature for a programming transmission (Fig.2 Element 210), said client system to receive the programming with the upgraded media feature (Fig.2 Element 230). The client system 110 may be an entertainment system including numerous components including a user interface 210, program database 220, and a tuner interface 230 (p.8 ll.19-23). The tuner interface 230 receives the upgraded media feature and the user interface may send the selection to the server system 140 (p.8 l.22).

Independent claim 25 is directed towards an apparatus comprising a receiver to receive a selection to buy an upgraded media feature for a programming transmission (Fig. 3 Element 310), a purchasing unit to automatically coordinate purchase of the upgraded media feature for the programming transmission (Fig.3 Element 330), and a provision unit to automatically coordinate provision of the upgraded media feature for the programming transmission (Fig.3 Element 330). Support for the above recitations may also be found in Figure 1.

Independent claim 26 is directed towards an apparatus comprising a sending unit to send a selection to a server system to buy an upgraded media feature for programming transmission (Fig. 2 Element 210), and a receiving unit to receive the programming transmission (Fig. 2 Element 230). In depth support for the above recitations is also provided, with reference to Fig. 6, from page16 line 20 to page 18 line 6.

In summary, the claimed subject matter provides an improved method and apparatus for purchasing media features for programming transmissions. Information regarding a plurality of

different entertainment programs and a plurality of different upgraded media features associated with each entertainment program is received. A list of entertainment programs and, for each entertainment program, a plurality of different upgraded media features are displayed at a user terminal (See Fig. 5). An entertainment program selection together with one or more upgraded media feature selections from the displayed plurality are transmitted to an entertainment program provider (See Fig. 4, blocks 420 & 430) and the selected entertainment program with the selected upgraded media features is received by the user (See Fig. 4, block 460). In one embodiment, the received and displayed information includes received information regarding costs for each of the plurality of different upgraded media features (See Fig. 5; and p.4 ll.2-9).

CONCLUSION

Appellant respectfully submits that section five of the Appellant's Appeal Brief, "Summary of the Claimed Subject Matter" is now in conformity with the rules of the Board of Patent Appeals and Interferences, and consequently, Appellant's Appeal Brief is in condition for docketing before the Board. The same is respectfully requested.

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 07/18/2007

/Rob McDowell/

Robert D. McDowell, Reg. No. 59062

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, OR 97204
Telephone: 503-222-9981